

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RODRICK BRAYBOY,

Petitioner,

v.

B. MASON, et al.,

Respondents.

CIVIL ACTION

NO. 23-4139-KSM

ORDER

AND NOW this 20th day of February, 2025, upon consideration of Petitioner Rodrick Brayboy's Petition for Writ of Habeas Corpus (Doc. No. 1), Motion for Judgment of Acquittal (Doc. No. 7), Motion for Summary Judgment (Doc. No. 11), Motion for Release on His Own Recognizance (Doc. No. 25), the Commonwealth's opposition brief (Doc. No. 22), the Report and Recommendation of the Honorable Lynne A. Sitarski ("R&R") (Doc. No. 34), and Petitioner's Objections to the R&R (Doc. No. 38), it is **ORDERED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The Petition for Writ of Habeas Corpus is **DENIED WITH PREJUDICE**.
3. There is no probable cause to issue a certificate of appealability.¹
4. Petitioner's Motion for Judgment of Acquittal is **DENIED**.

¹ Because jurists of reason would not debate the procedural or substantive dispositions of Petitioner's claims, no certificate of appealability should be granted. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000) ("Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. . . . When the district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.").

5. Petitioner's Motion for Summary Judgment is **DENIED**.

6. Petitioner's Motion for Release on His Own Recognizance is **DENIED**.

IT IS FURTHER ORDERED that upon consideration of Petitioner's Request for Default Judgment (Doc. No. 43):

1. Petitioner's Request for Default Judgment is **DENIED**.

2. The Clerk of Court shall mark this case **CLOSED**.

IT IS SO ORDERED.

/s/ Karen Spencer Marston

KAREN SPENCER MARSTON, J.